

In the High Court of Judicature at Bilaspur
Chhattisgarh **SINGLE BENCH**

Writ Petition Number 2409/2006

Petitioner

F. No. 2463/06
Presented by Shri. A. G. S. D. Tandan
dated 8/5/06

B. D. Tandan
Aged About-45 Yrs. S/o Shri S.D. Tandan
Post-BEO, Chuikhandan,
Address -Thakurpara, Golebazar, Tehsil-
Khairagarh, Distt-Rajnandgaon.

VERSUS

Respondents

- 1- State of Chhattisgarh
Through Secretary
D.K.S. Bhawan, Mantralaya,
Raipur (C.G.)
- 2- The Director
Lok Sikshan Sanchalaya
(Director of School Education)
Raipur (C.G.)
- 3- District Education Officer
Rajnandgaon (C.G.)

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Writ Petition Under Article 226/227 Constitutions of India

आदेश पत्रक

मामला क्रमांक W.P. No. 2409/06
सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
25	10.5.2006:- Mr. Azad Siddique, counsel for the petitioner. Mr. Ashutosh Kachchwaha, Govt. Advocate for the State/ respondents. Heard both the counsel. By the instant petition, the petitioner has questioned validity and propriety of the order dated 24-4-2006 (Annexure-P/1) whereby he has been transferred from the post of Block Education Officer, Chuikhadan to Govt. Higher Secondary School, Belgaon, Rajnandgaon. It is settled law that the transfer can be questioned on the ground of <i>malafide</i> and if the transfer is made contrary to the statutory rules. In para-6.3 of the petition, the petitioner has mentioned that due to <i>malafide</i> intention of respondent No.3, he made a complaint to respondent No.2. But merely by mentioning that due to <i>malafide</i> intention of respondent No.3, the petitioner has been transferred, is not sufficient unless same is established by placing cogent material on record, rather perusal of the record shows that the petitioner while working as Block Education Officer transferred certain teachers without seeking approval of the District Education Officer and, therefore, the petitioner has been charge sheeted and facing enquiry for making transfer without seeking approval of the competent authority. In view of the above, I am of the considered opinion that the petitioner has not been able to make out a case for judicial review by this Court under Article 226/227 of the Constitution of India. The petition being devoid of merit, is liable to be dismissed and same is dismissed. Consequently, M.(W.)P. No.1825/2006 and I.A. No.4802/2006 stand disposed of. Parties are entitled for certified copy of this order.	Sd/- L.C. Bhadoo Judge

Barve

[पीछे देखिये]

24/5/06